

## SENATE BILL No. 462

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-27.5; IC 34-30-2-101.5.

**Synopsis:** Physician assistants. Changes the certification process for a physician assistant to a licensure process. Authorizes a licensed physician to delegate prescribing privileges to a physician assistant. Authorizes the supervising physician to determine the number of physician assistants to supervise. Authorizes a physician assistant to certify the health status of patients. Authorizes a physician assistant to provide care in a disaster or emergency situation without liability unless the physician assistant is grossly, willfully, or wantonly negligent. Makes certain other changes.

**Effective:** July 1, 1999.

**Harrison**

January 13, 1999, read first time and referred to Committee on Health and Provider Services.



First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 462

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-27.5-1-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This article does not  
3 apply to the following:

4 (1) A physician assistant trainee or a student enrolled in a  
5 physician assistant or a surgeon assistant educational program  
6 accredited by the CAHEA, **CAAHEP, or a successor agency.**

7 (2) A physician assistant employed in the service of the federal  
8 government while performing duties incident to that employment.

9 (3) A health care professional, technician, ~~and~~ **or** other assistant  
10 or employee of a physician who performs delegated tasks in the  
11 office of a physician but who does not render services as a  
12 physician assistant or profess to be a physician assistant.

13 SECTION 2. IC 25-27.5-2-1.5 IS ADDED TO THE INDIANA  
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 1999]: **Sec. 1.5 "Administer a drug" means**  
16 **the direct application of a drug, whether by injection, inhalation,**  
17 **ingestion, or any other means, to the body of a patient.**



SECTION 3. IC 25-27.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. "Approved program" means a physician assistant or a surgeon assistant program accredited by CAHEA, **CAAHEP, or a successor agency.**

SECTION 4. IC 25-27.5-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 4.5. "CAAHEP" refers to the Commission on Accreditation of Allied Health Education Programs.**

SECTION 5. IC 25-27.5-2-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 7.3 "Dispense" means issuing one (1) or more doses of a drug in a suitable container with appropriate labeling for subsequent administration to, or use by, a patient or issuing medical devices.**

SECTION 6. IC 25-27.5-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. "Physician assistant" means an individual who has:

- (1) graduated from a physician assistant or a surgeon assistant program accredited by the CAHEA, **CAAHEP, or a successor agency; and**
- (2) passed the certifying examination **administered by the NCCPA** and maintains certification by the NCCPA; **and**
- (3) **been licensed by the committee.**

SECTION 7. IC 25-27.5-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. "Supervision" means that the supervising physician or the physician designee **overseeing the activities of and** accepting responsibility for the physician assistant must be either physically present or immediately available for consultation at all times that services are rendered or tasks are performed **medical services rendered by the a** physician assistant. The term includes the use of protocols, guidelines, and standing orders developed or approved by the supervising physician. **The constant physical presence of the supervising physician is not required if the supervising physician (or the physician designee) and the physician assistant are or can be easily in contact with one another by radio, telephone, or other telecommunication device.**

SECTION 8. IC 25-27.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The committee consists of five (5) members appointed by the governor for terms of three (3) years.

(b) The committee must include the following:



- (1) Three (3) physician assistants who:
  - (A) are residents of Indiana;
  - (B) have at least three (3) years experience as physician assistants; and
  - (C) are ~~certified~~ **licensed** under this article.
- (2) A physician licensed under IC 25-22.5 who:
  - (A) is familiar with the practice of physician assistants; **and**
  - (B) **is a resident of Indiana.**
- (3) An individual who:
  - (A) is a resident of Indiana; and
  - (B) is not associated with physician assistants in any way other than as a consumer.

SECTION 9. IC 25-27.5-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The committee shall do the following:

- (1) Consider the qualifications of individuals who apply for ~~certificates~~ **licensure** under this article.
- (2) Provide for examinations required under this article.
- (3) ~~Certify~~ **License** qualified individuals.
- (4) Propose rules to the board concerning the competent practice of physician assistants and the administration of this article.
- (5) Recommend to the board the amounts of fees required under this article.

SECTION 10. IC 25-27.5-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for the following:

- (1) The competent practice of physician assistants.
- (2) The renewal of ~~certificates~~ **licenses** issued under this article.
- (3) Standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

SECTION 11. IC 25-27.5-3-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 9. In the event of a vacancy on the committee, the governor shall appoint a successor to complete the unexpired term.**

SECTION 12. IC 25-27.5-3-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 10. A member may not serve more than two (2) consecutive three (3) year terms and each member shall serve on the committee until a successor is**



1 appointed.

2 SECTION 13. IC 25-27.5-3-11 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 1999]: **Sec. 11. The committee shall elect a**  
5 **chairperson and a secretary from among its members at the**  
6 **committee's first meeting of each fiscal year. The committee shall**  
7 **meet on a regular basis. A committee meeting may be called upon**  
8 **reasonable notice at the discretion of the chairperson and shall be**  
9 **called at any time upon reasonable notice by a petition of three (3)**  
10 **committee members to the chairperson.**

11 SECTION 14. IC 25-27.5-4-1 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. An individual must  
13 be ~~certified~~ **licensed** by the committee before the individual may  
14 practice as a physician assistant. The committee may grant a ~~certificate~~  
15 **license** as a physician assistant to an applicant who does the following:

- 16 (1) Submits an application on forms approved by the committee.
- 17 (2) Pays the fee established by the board.
- 18 (3) Has:

19 (A) successfully completed an educational program for  
20 physician assistants or surgeon assistants accredited by the  
21 CAHEA, CAAHEP, or a successor agency; and

22 (B) ~~has~~ passed the Physician Assistant National Certifying  
23 Examination administered by the NCCPA ~~or other~~  
24 ~~examination approved by the committee and maintains~~  
25 **current NCCPA certification.**

26 (4) Submits to the committee any other information the committee  
27 ~~requires~~ **considers necessary** to evaluate the applicant's  
28 qualifications.

29 (5) Presents satisfactory evidence to the committee that the  
30 individual has not been:

31 (A) engaged in an act that would constitute grounds for a  
32 disciplinary sanction under IC 25-1-9; ~~and or~~

33 (B) the subject of a disciplinary action by a licensing or  
34 certification agency of another state or jurisdiction on the  
35 grounds that the individual was not able to practice as a  
36 physician assistant without endangering the public.

37 SECTION 15. IC 25-27.5-4-2 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The committee may  
39 refuse to issue a ~~certificate~~ **license** or may issue a probationary  
40 ~~certificate~~ **license** to an individual if:

- 41 (1) the individual has been disciplined by an administrative  
42 agency in another jurisdiction or been convicted for a crime that



has a direct bearing on the individual's ability to practice competently; and

(2) the committee determines that the act for which the individual was disciplined or convicted has a direct bearing on the individual's ability to practice as a physician assistant.

SECTION 16. IC 25-27.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) If the committee issues a probationary ~~certificate~~ **license** under section 2 of this chapter, the committee may require the individual who holds the ~~certificate~~ **license** to meet at least one (1) of the following conditions:

(1) Report regularly to the committee upon a matter that is the basis for the probation.

(2) Limit practice to areas prescribed by the committee.

(3) Continue or renew professional education.

(4) Engage in community service without compensation for a number of hours specified by the committee.

**(5) Submit to the care, counseling, or treatment of a physician or physicians designated by the committee.**

(b) The committee shall remove a limitation placed on a probationary ~~certificate~~ **license** if, after a hearing, the committee finds that the deficiency that caused the limitation has been remedied.

SECTION 17. IC 25-27.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The committee may grant temporary ~~certification~~ **licensure** to an applicant who:

(1) meets the qualifications for ~~certification~~ **licensure** under section 1 of this chapter except:

(A) for the taking of the ~~next scheduled~~ **NCCPA** examination; or

(B) if the applicant has taken the NCCPA examination and is awaiting the results; or

(2) meets the qualifications for ~~certification~~ **licensure** under section 1 of this chapter but is awaiting the next scheduled meeting of the committee.

(b) A temporary ~~certification~~ **license** is valid until: ~~the earliest of the following:~~

(1) the results of an applicant's examination are available; **and**

(2) the committee makes a final decision on the applicant's request for ~~certification~~ **licensure**.

**(c) The temporary license is immediately revoked upon notice to the health professions bureau that the temporary license holder has failed the exam. The committee may extend a temporary license at its terms and discretion by a majority vote of the**



committee.

(~~c~~) (d) A physician assistant practicing under a temporary ~~certificate~~ **license** must practice with onsite physician supervision. ~~and, notwithstanding IC 25-27.5-5-4, may not dispense drugs or medical devices.~~

(~~d~~) (e) A physician assistant who notifies the board in writing may elect to:

(1) place the physician assistant's ~~certification~~ **licensure** on an inactive status **if previously employed by a supervising physician; or**

(2) **apply for an inactive license if not currently employed at the time of initial application.**

(f) **A physician assistant with an inactive license shall be excused from payment of renewal fees and may not practice as a physician assistant.**

(g) **A licensee who engages in practice while the licensee's license is lapsed or on inactive status shall be considered to be practicing without a license which is grounds for discipline under IC 25-1-9.**

SECTION 18. IC 25-27.5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A ~~certificate~~ **license** issued by the committee expires on a date established by the health professions bureau under IC 25-1-5-4 in the next even-numbered year following the year in which the ~~certificate~~ **license** was issued.

(b) An individual may renew a ~~certificate~~ **license** by paying a renewal fee on or before the expiration date of the ~~certificate~~ **license**.

(c) If an individual fails to pay a renewal **fee** on or before the expiration date of a ~~certificate~~ **license**, the ~~certificate~~ **license** becomes invalid.

SECTION 19. IC 25-27.5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The committee may reinstate an invalid ~~certificate~~ **license** up to three (3) years after the expiration date of the ~~certificate~~ **license** if the individual holding the invalid ~~certificate~~ **license**:

(1) pays a penalty fee for late renewal; and

(2) pays the renewal fee under section 5(b) of this chapter.

(b) If more than three (3) years have elapsed since the date a ~~certificate~~ **license** expired, the individual holding the ~~certificate~~ **license** may renew the ~~certificate~~ **license** by satisfying the requirements for renewal established by the board.

SECTION 20. IC 25-27.5-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An individual who is ~~certified~~ **licensed** under this chapter shall notify the committee



in writing when the individual retires from practice.

(b) Upon receipt of the notice, the committee shall:

(1) record the fact the individual is retired; and

(2) release the individual from further payment of renewal fees.

SECTION 21. IC 25-27.5-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) If an individual surrenders a ~~certificate~~ **license** to the committee, the committee may reinstate the ~~certificate~~ **license** upon written request by the individual.

(b) If the committee reinstates a ~~certificate~~ **license**, the committee may impose conditions on the ~~certificate~~ **license** appropriate to the reinstatement.

(c) An individual may not surrender a ~~certificate~~ **license** without written approval by the committee if a disciplinary proceeding under this article is pending against the individual.

SECTION 22. IC 25-27.5-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 9. The committee may reinstate a physician assistant's inactive license if the physician assistant requesting reinstatement pays the current renewal fee.**

SECTION 23. IC 25-27.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. A physician assistant must engage in a dependent practice with physician supervision **and must practice medicine with physician supervision.** A physician assistant may perform ~~the those~~ duties and responsibilities, **including the prescribing and dispensing of drugs and medical devices**, that are delegated by the supervising physician.

SECTION 24. IC 25-27.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) ~~The board may adopt rules under IC 4-22-2 to determine the appropriate use of prescription drugs by a physician assistant.~~ **Physician assistants may prescribe, dispense, and administer drugs and medical devices or services to the extent delegated by the supervising physician.**

(b) ~~As permitted by the board, a physician assistant may use or dispense only drugs prescribed or approved by the supervising physician.~~ **Prescription and administration of drugs may include scheduled substances as listed under IC 35-48-2 and all legend drugs prescribed or approved by the supervising physician.**

(c) ~~Notwithstanding subsection (b), a physician assistant may not dispense a scheduled substance listed under IC 35-48-2.~~ **Physician assistants may request, receive, and sign for professional samples and may distribute professional samples to patients if the samples are within the scope of the physician assistant's prescribing**





**privileges delegated by the supervising physician.**

SECTION 25. IC 25-27.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. A physician assistant ~~certified~~ **licensed** under IC 25-27.5 shall:

- (1) keep the physician assistant's ~~certificate~~ **license** available for inspection at the primary place of business; and
- (2) when engaged in the physician assistant's professional activities, wear a name tag identifying the individual as a physician assistant.

SECTION 26. IC 25-27.5-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **A supervising physician may delegate authority to a physician assistant to prescribe legend drugs, controlled substances (as defined in IC 35-48-1-9), or medical devices.**

(b) **Any prescribing authority delegated to a physician assistant must be expressly delegated in writing by the physician assistant's supervising physician.**

(c) **A physician assistant who is delegated the authority to prescribe legend drugs or medical devices must do the following:**

- (1) **Enter on each prescription form that the physician assistant uses to prescribe a legend drug or medical device:**
  - (A) **the signature of the physician assistant;**
  - (B) **the initials indicating the credentials awarded to the physician assistant by the NCCPA; and**
  - (C) **the physician assistant's state license number.**
- (2) **Comply with all applicable state and federal laws concerning prescriptions for legend drugs and medical devices.**

(d) **A supervising physician may delegate to a physician assistant the authority to prescribe only legend drugs and medical devices that are within the scope of practice of the licensed supervising physician or the physician designee.**

(e) **A physician assistant who is delegated the authority to prescribe controlled substances must do the following:**

- (1) **Obtain an Indiana controlled substance registration and a federal Drug Enforcement Administration registration.**
- (2) **Enter on each prescription form that the physician assistant uses to prescribe a controlled substance:**
  - (A) **the signature of the physician assistant;**
  - (B) **the initials indicating the credentials awarded to the physician assistant by the NCCPA;**



(C) the physician assistant's state license number; and

(D) the physician assistant's federal DEA number.

(3) Comply with all applicable state and federal laws concerning prescriptions for controlled substances.

(f) A supervising physician may delegate to a physician assistant the authority to prescribe only controlled substances that are within the scope of practice of the licensed supervising physician or the physician designee.

SECTION 27. IC 25-27.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Supervision by the supervising physician or the physician designee must be continuous but does not require the physical presence of the supervising physician at the time and the place that the services are rendered.

(b) ~~A supervising physician or physician designee shall review all patient encounters not later than twenty-four (24) hours after the physician assistant has seen the patient.~~ **Nothing contained in this section may be construed to prohibit the rendering of services by a physician assistant in a setting geographically remote from the supervising physician.**

(c) **Review of physician assistant patient encounters shall be determined by the supervising physician or physician's designee.**

SECTION 28. IC 25-27.5-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~A physician may supervise not more than two (2) physician assistants.~~ **The supervising physician shall determine the appropriate number of physician assistants for the supervising physician to supervise. The determination must be based on:**

- (1) the nature of the supervising physician's practice;
- (2) the complexities of the patient composition in the supervising physician's practice;
- (3) the experience and training of the physician assistants; and
- (4) the supervisory style of the supervising physician.

SECTION 29. IC 25-27.5-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Before initiating practice, the supervising physician and the physician assistant must submit, on forms approved by the board, the following information:

- (1) The name, the business address, and the telephone number of the supervising physician.
- (2) The name, the business address, and the telephone number of the physician assistant.
- (3) A brief description of **the extent to which and** the setting in which the physician assistant will practice.



(4) Any other information required by the board.

(b) A physician assistant must notify the board of any changes or additions in practice sites or supervising physicians not more than thirty (30) days after the change or addition.

**(c) The board shall notify the committee of all information received from each supervising physician and physician assistant under this section. The board shall also notify the committee of any changes or additions made under this section.**

SECTION 30. IC 25-27.5-6.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 6.3. Certification of Health Status**

**Sec. 1. A physician assistant may be delegated the ability to:**

(1) evaluate and sign forms that certify the health status of patients by the supervising physician, including school physicals, employment physicals, and handicap parking permits; and

(2) authenticate with a signature any form that may be authenticated by the supervising physician's signature.

SECTION 31. IC 25-27.5-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 6.5. Participation in Disaster and Emergency Care**

**Sec. 1. This chapter does not apply to medical assistance provided at a hospital, physician's office, or other health care facility where medical services are normally provided.**

**Sec. 2. (a) A physician assistant licensed in this state or licensed or authorized to practice in another state who is responding to a need for medical care created by an emergency or a state or local disaster may render care that the physician assistant is able to provide without supervision, as defined in IC 25-27.5-6, or with supervision as is available. For purposes of this chapter, an emergency or state or local disaster does not include an emergency situation that occurs in the place of one's employment.**

**(b) A physician assistant who:**

(1) is licensed in this state or licensed or authorized to practice in another state;

(2) voluntarily and gratuitously provides medical care during an emergency in this state; and

(3) provides that care without a supervising physician being present;

**is not liable for civil damages for any personal injuries that result**



from acts or omissions by the physician assistant providing the emergency medical care unless such acts or omissions constitute gross, willful, or wanton negligence.

**Sec. 3. A physician who voluntarily and gratuitously supervises a physician assistant who is voluntarily and gratuitously providing emergency medical care is not:**

(1) required to meet the requirements for an approved supervising physician under 25-27.5-6; or

(2) liable for civil damages for any personal injuries that result from acts or omissions by the physician assistant providing emergency medical care.

SECTION 32. IC 25-27.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) An individual may not:

(1) profess to be a physician assistant;

(2) use the title "physician assistant", including the use of the title by a physician who is not licensed under IC 25-22.5; or

(3) use the initials "P.A." or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a physician assistant ~~certified~~ **licensed** under this article; or

(4) **practice as a physician assistant;**

unless the individual is ~~certified~~ **licensed** under this article.

(b) ~~However~~ Use of the initials "PA" by a public accountant who is authorized to use the initials "PA" by IC 25-2.1-12-6 is not a violation of this section.

SECTION 33. IC 25-27.5-7-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 4. The committee shall establish and administer a program for the rehabilitation of physician assistants whose competency is impaired due to the abuse of drugs or alcohol. The committee may contract with any state agency or private corporation to perform duties under this section. The program shall be similar to that available to other health professionals in this state.**

SECTION 34. IC 34-30-2-101.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 101.5. IC 25-27.5-6.5 (concerning actions of a physician assistant and a supervising physician in an emergency situation).**

SECTION 35. IC 25-27.5-3-7 IS REPEALED [EFFECTIVE JULY 1, 1999].

